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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAVIER CATALAN BAHENA,
ERASMO MARTINEZ,
ALVARO MARTINEZ,
FILIBERTO TAPIA OCAMPO,
OSCAR MARTINEZ,

Defendants.

Case No. 2:23-CR-00163-TC-1

ORDER TO CONTINUE JURY TRIAL
AND EXCLUDING TIME UNDER THE
SPEEDY TRIAL ACT

JUDGE TENA CAMPBELL.

BASED UPON the Defendants' Motion to Continue Jury Trial in the above-entitled case,
and for good cause appearing the Court makes the following findings:

1. On April 26, 2023, the Grand Jury returned an indictment charging the Defendants.
2. Between April 27 and May 1, 2023, the Defendants were arraigned. A jury trial was scheduled for July 3, 2023, which was within the seventy-day time period.
3. This is the Defendants' first request for continuance of the trial in this matter.
4. The length of delay requested is ninety days.
5. Defendants seek a continuance under 18 U.S.C. § 3161(h)(7)(B), which allows this

Court to grant a motion to continue if it finds that the case is so unusual or so complex that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established in the Speedy Trial Act.

6. The facts that support this allegation include the following:
 - i. This matter involves five defendants who are alleged to have participated in a conspiracy, as well as several overt acts.
 - ii. This matter involves a substantial amount of discovery, including bank records and interviews that occur in both English and Spanish.
7. Government counsel, Maria Mooers-Putzer, was contacted and stipulated to the proposed continuance.
8. Defendants Catalan Bahena and Erasmo Martinez are detained at the Salt Lake County Jail and agree with this continuance.
9. Defendants Alvaro Martinez, Oscar Martinez, and Filiberto Tapia Ocampo are not detained and agree with this continuance.
10. The Defendants will not be prejudiced by the requested continuance in that they agree to waive their rights under the Speedy Trial Act and have all time excluded. All Defendants agree that the time between this motion and the newly set trial date should be excluded under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A). Defendants asserts that the ends of justice served by the granting of such continuance outweigh the best interests of the public and defendant in a Speedy Trial. 18 U.S.C. § 3161(h)(7)(A).
11. The continuance is not based on the congestion of the Court's calendar, lack of diligent preparation on the part of the attorneys for the Government or the Defendants, or failure

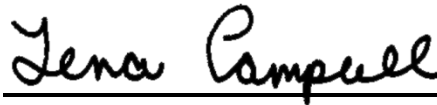
on the part of the attorney for the Government to obtain available witnesses.

Based on the foregoing findings, the Court concludes that failure to grant a continuance would result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i). Therefore, the ends of justice served by such a continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS HEREBY ORDERED that the jury trial set to begin July 3, 2023, is continued to the 30th day of October, 2023 at 8:30 am. The time between the filing of the Stipulated Motion to Continue Jury Trial and the new trial date is excluded from speedy trial computations for good cause.

Dated this 30th day of June, 2023.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

TENA CAMPBELL

United States District Court Judge